IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7484 OF 2005
IN
CRIMINAL APPEAL NO.1054 OF 2005

Dada @ Michal Ganpat Sonawane ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri M.V.Deshmukh for the Applicant.
Shri Rajesh More, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 06, 2006.

P.C.:

1. Heard the Advocates appearing for the parties.

Perused the impugned Judgment and notes of evidence of the witnesses. The conviction of the Applicant is for offence punishable under section 376 of the Indian Penal Code. The substantive sentence is of seven years of rigorous imprisonment. The Applicant was in custody from 07th September, 2002 to 20th November, 2002 and from 20th September, 2005, the Applicant is again in custody. The Medical Officer who examined the prosecutrix immediately after the offence was committed has stated in evidence that the prosecutrix and her mother gave history of the offence by stating that the offence was committed by unknown person. There is material on record to show that the Applicant was very

young at the time of commission of the offence. Birth certificate of the Applicant annexed to the Application shows that he is born in February 1985 and incident is of September 2002. The Applicant has already undergone the sentence for more than one year. In paragraph No.13 of the impugned order, the learned Trial Judge has accepted the submission that the Applicant is very young and he is very poor. The Appeal is not likely to be heard in near future. The Applicant was enlarged on bail during the pendency of the Trial and there are no allegations of misuse of liberty. Considering the peculiar facts of the case, the Applicant deserves to be enlarged on bail subject to stringent conditions.

2. Hence, Application is disposed of by passing following order:

(i) The Applicant shall be enlarged on bail in the sum of Rs.7,000/- with one or two local sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicant will not enter Taluka Daund, District Pune without the permission of this Court.

(iii) The Applicant will be enlarged on bail only after he furnishes complete address of the place where he proposes to stay after he is enlarged on bail.

(iv) The Applicant will report to the concerned local police station once in every month till the disposal of the Appeal.

JUDGE